

**In the Claims:**

Please amend claims 1, 15-16, and 28 as shown on Attachment "A" hereto. A clean copy of the amended claims is herewith provided as Attachment "B".

**REMARKS**

Claims 1, 4-16, 18-26, and 28-29 are pending in the application of which claims 10-13, 26 and 29 have been withdrawn from consideration; claims 1, 4-9, 14-16, 18-25, and 28 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action claim 28 was rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph as not being enabled by the specification; claims 1, 4-6, 8-9, 14-16, 18-22, 25, and 28 were rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,199,947 to Wiklund; and claims 7 and 23-24 were rejected under 35 U.S.C. § 103(a) as obvious over the Wiklund '947 patent in view of the Massara '968 patent previously applied.

By this Response and Amendment independent claims 1 and 15 are amended to further differentiate the claimed invention over the cited prior art.

Support for the amendments to claims 1 and 15 is found in the originally filed drawings of Figs. 5-7.

It is respectfully submitted that the above amendments

introduce no new matter within the meaning of 35 U.S.C. § 132.

**Rejection Under 35 U.S.C. § 112, 1<sup>st</sup> paragraph**

The Examiner rejected claim 28 stating:

The seat pillow fitted to a support member holder was not disclosed and it is unclear how the seat pillow cooperates with the support member and/or the support member holder.

**RESPONSE**

Claim 28 has been amended to obviate the rejection. As amended the rejection is respectfully traversed.

Claim 28 has been amended to clarify that the supporting member further comprises a holder for fitting the headrest therein. Support for the amendment for claim 28 is found in the originally filed specification at page 27, lines 16-19, and in the originally filed drawing of Fig. 19. As amended it is respectfully submitted that claim 28 is enabled by the specification.

Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**Rejection Under 35 U.S.C. § 102**

The Examiner rejected claims 1, 4-6, 8-9, 14-16, 18-22, 25, and 28 stating:

Wiklund discloses a seatback that includes all the limitations recited in claims 1, 4-6, 8, 9, 14-16, 18-22, 25, and 28, as best understood. Wiklund shows a seatback

having a seatback frame 3 (Fig. 2) with side frames 9 (Fig. 2), a headrest member 4 (Fig. 2) rotatable relative to the side frames about a pivot (Fig. 2) wherein the headrest member has a headrest and a supporting member 26 (Fig. 3) including an I-shaped pressure receiving portion 18 (Fig. 2) with covering and a holder 12 (Fig. 2), a biasing means 16 (Fig. 2) fixed to the side frames, a spring resilient member 20 (Fig. 2) bridged between the side frames, and a cross frame 24 (Fig. 2) with first and second stopper faces (Fig. 2) that is disposed between the side frames and in front of the supporting member for stopping the headrest member from pivotal motion.

### RESPONSE

Independent claims 1 and 15 have been amended to further differentiate the claimed invention over the cited prior art. As amended the rejections are respectfully traversed.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

As claimed in claim 1, as amended, a presently preferred embodiment of which is shown in Figs. 5-7, a seatback includes a seatback frame 4. The seatback frame 4 includes side frames 2 spaced apart from each other. The seatback frame 4 includes a

cross frame 10 located between the side frames 2. The seatback includes a pivot 5 rotatably supported by the seatback frame 4. The seatback includes a headrest member 3, 22, 7B, 35B rotatably supported by the pivot 5 for rotating **coaxially** with the pivot 5 and relative to the side frames 2. The headrest member includes a headrest 3 mounted on the seatback frame. The headrest member includes a supporting member 7B, 35B including a pressure receiving portion 38B. The supporting member is located between the side frames 2 and supporting the headrest 3. The cross frame 10 is located between the side frames 2 and in front of the supporting member for stopping the headrest member from pivotal motion.

As claimed in claim 15, as amended, the seatback includes a seatback frame 4 including a side frame 2. The seatback includes a pivot 5 rotatably supported by the seatback frame 4. The seatback includes a headrest member 3, 13, 22, 7B, 35B supported by the pivot 5 frame for rotating **coaxially** with the pivot 5 and relative to frame 2. The seatback includes a stopper 10 located transversely to the side frame 2 and in front of the headrest for stopping the headrest from pivotal motion.

In contrast, the cited Wiklund '947 patent discloses seatback 3 including side frame 9, headrest member 4, 27, 23, and 17, and pivot 12. Pivot 12 is rotatably supported by side frame 9. the headrest member is rotatably supported by pivot 12.

However, the headrest **does not rotate coaxially** with the pivot

12, as claimed in claims 1 and 15, but the headrest has the instantaneous rotational center away from the stationary rotational center 13 of the pivot 12.

Moreover, member 24 supports headrest member 4, 23. However, member 24 is not rotatably supported by frame 9, but is fixed to frame 9.

It is therefore submitted that claim 1 and 15, as amended, are patentable over the cited prior art. Claims 4-6, 8-9, and 14, each ultimately dependent from claim 1; and claims 16, 18-22, 25, and 28, each ultimately dependent from claim 15, are asserted to be patentable over the prior art because claims 1 and 15, as amended, are patentable thereover.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

#### **Rejections Under 35 U.S.C. § 103**

The Examiner rejected claims 7 and 23-24 were rejected under 35 U.S.C. § 103(a) as obvious over the Wiklund '947 patent in view of the Massara '968 patent.

#### **RESPONSE**

Applicant incorporates herein by reference the arguments presented above in response to the rejections under section 102, and respectfully submits that claim 7, ultimately dependent from

claim 1, is patentable over the cited prior art for at least the same reasons that claim 1 is patentable thereover; and that claims 23-24, each ultimately dependent from claim 15, are patentable over the cited prior art for at least the same reasons that claim 15 is patentable thereover.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

#### CONCLUSION


In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

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**Attachment "A"**

(Marked-Up Copy of Amended Claims)

1. (Four Times Amended) A seatback for an automobile comprising:

a seatback frame comprising:

side frames spaced [apart] from each other; and

a cross frame located between the side frames;

a pivot rotatably supported by the seatback frame; and

a headrest member [supported by the seatback frame and rotatable relative to the side frames about a pivot] supported by the pivot for rotating coaxially with the pivot and relative to the side frames,

the headrest member comprising:

a headrest mounted on the seatback frame; and

a supporting member including a pressure receiving portion, the supporting member being [disposed] located between the side frames and supporting the headrest,

wherein the cross frame is located in front of the supporting member for stopping the supporting member from pivotal motion[; and wherein the seatback frame comprises a cross frame disposed between the side frames and in front of the supporting member for stopping the headrest member from pivotal motion].

15. (Four Times Amended) A seatback for an automobile

comprising:

a seatback frame including[:] a side frame;

a pivot rotatably supported by the seatback frame;

a headrest member supported by the pivot [seatback frame and rotatable relative to the side frame about a pivot] for rotating coaxially with the pivot and relative to the side frame; and

a stopper [fixed] located transversely relative to the side frame and [disposed] in front of the headrest for stopping the headrest from pivotal motion.

16. (Thrice Amended) A seatback according to claim 15, wherein the headrest member includes:

a headrest;

[a supporting member supporting a seat pillow;]

a pressure receiving member[ extending from the supporting member]; and

a supporting member extending between the headrest and the pressure receiving member and supporting the headrest,

wherein the pivot rotatably supports the supporting member[is between the supporting member and the pressure receiving member, and the pivot is supported to the seatback frame for rotatably supporting the supporting member].

28. (Thrice Amended) A seatback according to claim 16,



wherein the supporting member further comprises:

a holder for fitting the [seat pillow ] headrest therein.